

AzSPO POLICY
Number: 006
Emergency Procurement

Statement:

A.R.S. § 41-2537, A.A.C. R7-340 authorizes emergency procurements if there exists a threat to public health, welfare or safety, or if a situation exists that makes compliance with ARS § 41-2537 or 41-41-2534 unnecessary or contrary to the public interest. However, this procurement method should be avoided as much as possible and emergency procurements shall be made with such competition as is practicable under the circumstances.

Discussion:

An emergency procurement should be an infrequently used procurement method. Approval to proceed with an emergency procurement should be obtained prior to the initiation of the procurement.

Examples of conditions from which emergencies may arise include, but are not limited to, fires, floods, epidemics, riots, or equipment failures.

A few examples of emergency procurements include:

- Transport services for clients who must be placed in alternative housing upon unforeseen closure of a group home;
- Replacement of HVAC equipment under intemperate climate conditions;
- Detection of a rare pathogen necessitating the immediate establishment of testing capacity; or
- Flood incapacitates a fishery, necessitating urgent action to save the eggs and fingerlings.

Each situation is unique in its own right and must be justified and documented in compliance with A.A.C. R2-340.

Authority has been delegated to agencies with unlimited procurement authority to approve emergency procurements.

Agencies with limited delegated authority should complete and submit a *Procurement Authorization Request* form, Attachment No. 1, to AzSPO prior to initiating an emergency procurement. If the nature of the emergency does not allow sufficient time for a written request, the using agency may make a verbal request to the Arizona State Procurement Office (AzSPO), which may make a verbal determination. If the verbal request is approved, the required written request shall then be submitted to the State Procurement Office within two working days following the initiation of the emergency procurement.

If the Agency is unable to reach AzSPO because the emergency arose at night, on a weekend or holiday, or due to the nature of the emergency itself, the agency may proceed with the procurement, and follow up by verbal notification as soon it is feasible to do so. The agency shall submit the written request to the State Procurement Office as soon as possible following the initiation of the emergency procurement. In all circumstances, the written determination of the basis for the emergency procurement and for the selection of the particular contractor shall be included in the contract file.

Reporting Requirements:

Agencies must prepare and submit a report on a quarterly basis identifying each emergency procurement. The quarterly reports should be submitted by the 10th of the month following the end of each calendar quarter. A sample *Sole Source, Impracticable, and Emergency Procurements* report format is included as Attachment No. 2 to assist in standardization. Reporting requirements are a condition of agency delegation.

This policy is hereby effective this _____ day of June, 2001.

John O. Adler, CPPO
State Procurement Administrator

Attachments:

Attachment 1, *Procurement Authorization Request* form

Attachment 2, *Sole Source, Impracticable, and Emergency Procurements* report format

Arizona State Procurement Office

Procurement Authorization Request

Requesting Agency:	
Contact Name:	Title:
Phone No.:	FAX No.:
Subject:	
Estimated cost:	Date:

Agency Request for Action	
Attach explanation, fact sheet or other documentation as deemed necessary.	
<input type="checkbox"/>	Sole Source (ARS 41-2536)
<input type="checkbox"/>	RFP (ARS 41-2534)
<input type="checkbox"/>	Emergency (ARS 41-2537)
<input type="checkbox"/>	Amendment (AAC R2-7-310)
<input type="checkbox"/>	Impracticable (ARS 41-2537)
<input type="checkbox"/>	Brand Name (AAC R2-7-414B)
<input type="checkbox"/>	Delegation (ARS 41-2512)
<input type="checkbox"/>	Other:
<input type="checkbox"/> See Attachment(s) for support of request.	
<input type="checkbox"/>	Justification:

Signature of Authorized Agency Representative / Title

Date

State Procurement Administer Response	
This is the official written determination in response to this request. The original will be maintained in AzSPO.	
<input type="checkbox"/>	Request Authorized Pursuant to:
<input type="checkbox"/>	Request Denied:
<input type="checkbox"/>	Request Returned for Additional Information:
<input type="checkbox"/>	Comments:

Signature / AzSPO Administrator

Date

CC: Agency File
Correspondence File

Arizona State Procurement Office
Procurement Authorization Request

Arizona State Procurement Office

Sole Source, Impracticable, and Emergency Procurements

Quarterly Report

Agency: _____

Quarter Ending: _____

Contact: _____

Phone Number: _____

[illegible]